

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VINCENT J. PALERMO,

Defendant.

8:19-CR-108

**ORDER RECUSING UNDERSIGNED
JUDGE**

This matter is before the Court on its own motion pursuant to [28 U.S.C. § 455\(a\)](#), which states, “Any . . . judge . . . of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” In making this decision, “[w]hat matters is not the reality of bias or prejudice but its appearance.” *United States v. Woods*, 978 F.3d 554, 570 (8th Cir. 2020) (quoting *Liteky v. United States*, 510 U.S. 540, 548 (1994)). The inquiry is objective, and “asks whether all the attendant circumstances would raise doubt in the mind of the average person about the judge’s impartiality.” *Johnson v. Steele*, 999 F.3d 584, 587 (8th Cir. 2021).

The undersigned previously presided over the defendant’s criminal case involving the defendant’s failure to file certain tax returns. On December 18, 2019, the undersigned sentenced Mr. Palermo to four years of probation along with a \$35,000 fine. [Filing 34](#). At the time of the sentencing, the undersigned judge was not acquainted with Mr. Palermo. Subsequent to Mr. Palermo’s sentencing, Mr. Palermo joined and/or began attending the same church that I and my family have attended for years.

On April 19, 2023, Mr. Palermo was indicted by a United States District Court grand jury on new charges in a separate case. Given the new indictment, it seems possible that Mr. Palermo could face a proceeding in this case to which the undersigned remains assigned involving an

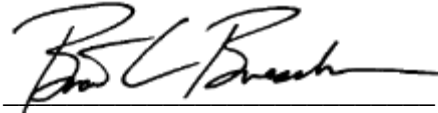
alleged violation of the terms of his probation in this case. Given this possibility, the undersigned believes it appropriate to address this matter now.

Based upon all the attendant circumstances, the undersigned concludes that a doubt could be raised in the mind of the average person about the undersigned's impartiality. *Johnson*, 999 F.3d at 587 (standard for recusal). Accordingly, upon review of the parties and the record in the above-designated case, the undersigned judge shall, and hereby does, recuse himself from the above-designated case pursuant to 28 U.S.C. § 455(a).

IT IS SO ORDERED.

Dated this 21st day of April, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge